

REMARKS

By the above amendment, claims 17-29 have been amended, claims 1-16 remain canceled, and claim 30 has been added. Applicants note that the claims previously included use recitations. By the present amendments, Applicants have amended the claims to even more affirmatively recite method elements. These amendments do not add prohibited new matter and are fully supported by the specification. Support for these amendments may be found throughout the specification. No estoppel should be deemed to be associated with this amendment.

Restriction Requirement

The Restriction Requirement asserts that the application contains claims directed to more than one species of generic inventions. The Examiner further asserts that these species lack unity of invention because "they are not so linked as to form a single general inventive concept under PCT Rule 13.1." Accordingly, the Examiner requires that Applicants elect a single disclosed species of formula (I).

Election

Applicants Compound No. 50 (as shown on page 20 of U.S. Patent Application Publication No. 2007/042997 A1), with traverse. Currently, all pending claims are readable on the elected species.

Traverse

Notwithstanding the election of Compound 50 in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

Applicants' traversal is based upon the fact that the Restriction Requirement fails to satisfy the requirements for supporting a restriction requirement under the PCT Rules. PCT Rule 13.1 state that an international application must relate to one invention only or, if there is more than one invention, those inventions must be so linked as to form a single general inventive concept.

In the Restriction Requirement, the Office considers the disclosed species as lacking unity of invention. However, Applicants note that the Examiner has not discussed the disclosed species in view of the prior art. Still further, the Examiner proceeds to divide the alleged species based upon their differences in their structures. This is not an acceptable criterion for Restriction for an application filed under 35 U.S.C. § 371.


For all of the foregoing reasons, Applicants submit that the Examiner's election of species requirement is improper, and should be withdrawn.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that the requirement for election of species is improper, and the requirement should be withdrawn. Withdrawal of the requirement for the election of species with examination of all pending claims is respectfully requested. Favorable consideration with early allowance of all of the pending claims is most earnestly requested.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
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